

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC KUBA,

Plaintiff,

Case No. CIV-S-04-1434 WBS KJM

vs.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

ORDER

Defendant.

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On August 3, 2005, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within ten days. Objections were filed on August 15, 2005. On September 6, 2005, the undersigned judge heard oral arguments of counsel on the objections.

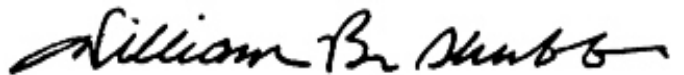
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis. The written Decision of the Administrative Law Judge (“ALJ”) sets forth specific and legitimate reasons for crediting the opinion of examining Dr. Kohli over that of

1 examining Dr. Light; the ALJ had no duty to order X-rays when neither Dr. Light, Dr. Kohli nor  
2 any other examining or reviewing physician requested them; and the ALJ did not err by failing  
3 expressly to discuss the effect of plaintiff's claim of numbness and weakness in his hand when  
4 neither any of the doctors nor the plaintiff stated that it affected his ability to work.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed August 3, 2005, are adopted;
- 7 2. Plaintiff's motion for summary judgment or remand is denied; and
- 8 3. The Commissioner's cross motion for summary judgment is granted.

9 DATED: September 7, 2005

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11 WILLIAM B. SHUBB  
12 UNITED STATES DISTRICT JUDGE

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